THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.1086 of 2006

Dated: 24-01-2006

T. Yellappa.

..... PETITIONER

AND

The Government of A.P. Panchayat Raj Department, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.1086 of 2006

ORDER:

The petitioner is Sarpanch of Didiyal Grampanchayat, Bomraspet Mandal in Mahabubnagar District. The second respondent by proceedings dated 15-12-2005 placed the petitioner under suspension, in purported exercise of powers under Section 249 (6) of Andhra Pradesh Panchayat Raj Act, 1994 ('the Act' for brevity) on allegations of abuse of powers by the petitioner. Aggrieved by the same, the petitioner preferred a revision under Sub-section (1) of Section 264 of the Act. By impugned orders in G.O.Rt.No.68 dated 16-01-2006, the first respondent rejected the revision petition.

The impugned order is assailed on the ground that the District Collector did not comply with the mandatory requirement of issuing notice under proviso to

Section 249 (6) of the Act, that the power under the said provision was not exercised properly and that the impugned government order is unsustainable for want of reasons.

A perusal of the impugned order dated 16-01-2006 would show that the same is bereft of any reasons. The petitioner, *inter alia,* contended before the first respondent that no notice was issued by the District Collector before passing the order of suspension. The said ground goes to the route of the matter and curiously the first respondent did not even advert to the same. Though initially the learned Assistant Government Pleader made an attempt to resist the writ petition, the legal position is not seriously disputed. In this background this Court is of the considered opinion that the matter should be sent back to the first respondent for a fresh consideration.

Accordingly, the impugned order dated 16-01-2006 is set aside and the mater is remitted to the first respondent with a direction to dispose of the revision petition filed by the petitioner on 21-11-2005 considering all the grounds urged by the petitioner and also keeping in view the proviso to Section 249 (6) of the Act. Needless to point out that any order or decision of the first respondent should be amply supported by reasons. This exercise shall be completed within a period of ten days from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

24th January 2006

Note:

Issue CC by tomorrow.

B/o

ghn